

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

No. 5: 18-cv-00214-JLS

Judicial Notice

v.

EQUIFAX, INC., et al.,

Defendants.

THE COURT, on its own motion, takes judicial notice of the following:

1. Federal Rules of Civil Procedure.
2. The records of this court in general, and the Reporter's Transcript of the proceeding of September 7, 2018 in particular.
3. "It is the public policy of this state that public agencies exist to aid in the conduct of the people's business....The people of this state do not yield their sovereignty to the agencies which serve them."
4. "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business....The people of this State do not yield their sovereignty to the agencies which serve them."
5. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves....".  
CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp 471-472.
6. "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas.

1047.

7. "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative." *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10 C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls 8. "....This declaration of rights may not be construed to impair or deny others retained by the people." California Constitution, Article 1, Declaration Of Rights Sec. 24.

9. "The state cannot diminish rights of the people." *Hurtado v. People of the State of California*, 110 U.S. 516.

10. "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." *Davis v. Wechsler*, 263 US 22, 24.

11. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v. Arizona*, 384 US 436, 491.

12. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights." *Sherer v. Cullen*, 481 F 946.

13. "Whereas, the people of California have presented a constitution....and which, on due examination, is found to be republican in its form of government...." Act [of Congress] for the Admission of California Into the Union, Volume 9, Statutes at Large, Page 452.

14. "Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.

## 15. PREAMBLE PENNSYLVANIA CONSTITUTION

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

### § 1. Inherent rights of mankind.

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

16. "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Constitution for the United States of America, Article VI, Clause 2.

17. Americans with disabilities act, (Title II) Public services, which include state and local government instrumentalities, cannot deny services to people with disabilities participation in programs or activities which are available to people without disabilities. For existing facilities, barriers to services must be removed if readily achievable. Miscellaneous (Title V) Includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against the disabled or those attempting to aid people with disabilities in asserting their rights under the ADA.

18. "A 'court of record' is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it..." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex Parte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J.

19. "The following persons are magistrates: ...The judges of the superior courts...." California Penal Code, Sec. 808.

20. "...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law....' Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.

21. "Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court." Magna Carta, Article 34.

22. "We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.' Conley v. Gibson, 355 U.S. 41, 45-46 (1957). See Dioguardi v. Durning, 139 F.2D 774 (CA2 1944)." Haines v. Kerner, 404 U.S. 519.

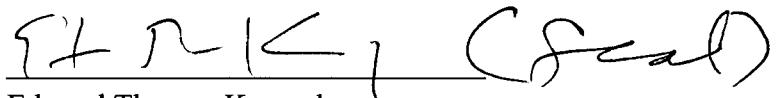
23. An act of the court shall prejudice no man. Jenkins' Eight Centuries of Reports, 118; Broom's

Legal Maxims, London. ed. 115; 1 Strange's Reports, 126; 1 Smith's Leading Cases, 245-255; 12 English Common Bench Reports by Manning, Granger, & Scott, 415

DATED: September 28, 2018

THE COURT

By



Edward Thomas Kennedy

Attornatus Privatus

THE COURT

WITNESS: the SEAL of the COURT this twenty eight day of September, 2018 (*SEAL*)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

No. 5: 18-cv-00214-JLS

WRIT OF ERROR  
QUAE CORAM  
NOBIS RESIDENT

v.

EQUIFAX, Inc., et al.,

Defendants.

THE COURT COMES NOW to review the facts, record, and process resulting in the rulings entered September 27, 2018, ECF 46.

The record shows that this court of record held a hearing on September 28, 2018 for the purpose of considering plaintiff's cause of action.

Plaintiff was present in personam, and defendants, though absent, were represented by counsel.

The record shows that the magistrate did not conduct a hearing in accordance with either the stated rules of court or the Law of the Case, and the transcript is not available.

The magistrate made it perfectly clear that the fact that this is a court of record was of no consequence to him.

Further, without proper authority, the magistrate stepped out of his function as a magistrate and, by his actions and statements, figuratively assumed the cloak of a tribunal.

The genius of a court of record is not to be undermined. It is the birthright of every American to settle issues in a court of record, if he so chooses.

Throughout the transcript, the record shows that the rules of the court were not followed, that the magistrate attempted to function as a tribunal, and that the court was ineffective in furthering the goal of justice for all. These failures to follow the prescribed procedures are sufficiently disruptive to the goal of providing fair justice that the court finds it necessary to issue a writ of error quae coram nobis residant as follows:

THE COURT, HAVING REVIEWED THE FACTS, THE RECORD, AND THE PROCESS BY WHICH THE RULING WAS ISSUED, and finding that the magistrate rendered a ruling by applying rules from several jurisdictions foreign to this court without leave of court; and finding that the orderly decorum of the court was replaced by defective impromptu process and usurpation of legislative and court powers without leave of court,

And, finding that there is partial merit in the defendant's demurrer, namely that the action, though barely sufficient, should contain a complete statement of facts upon which to grant relief,

And, desiring that fair justice be served for all parties, defendant as well as plaintiff,

NOW THEREFORE, THE COURT issues this WRIT OF ERROR QUAE CORAM NOBIS RESIDANT, to wit:

The court rescinds all rulings entered September 27, 2018.

Further, the court orders that in the interest of justice and fair play to all parties, plaintiff and defendants, and with the concurrence of plaintiff, that the action for trespass is dismissed with prejudice if the plaintiff does not file a first amended action on or before October 25, 2018.

Further, the court orders that if the defendants choose to file an answer to the first amended action, then the filing fees paid for the answer filed under the rescinded court order are applied to that answer to the first amended action; for the court wills not the pains of its error on the defendants.

Further, the magistrate, plaintiff, and defendants are invited to each file and serve on all other interested parties a brief no later than October 25, 2018 to show cause to this court why this order should not take effect or should be modified. The court, mindful of the rights of the parties and the importance of fair play, will liberally construe the arguments presented.

THE COURT

WITNESS: the SEAL of the COURT this twenty eight day of September, 2018 (*SEAL*)

E T R K (Seal)

Edward Thomas Kennedy

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Attornatus Privatus

CASE CONTENTS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

No. 5:18-cv-00214-JLS

Findings of Fact

v.

EQUIFAX, INC., et al.,

Defendants.

THE COURT, on its own motion, makes the following findings of fact based upon the court record and upon the contents of the judicial notice dated September 28, 2018

1. Edward Thomas Kennedy is one of the People as contemplated in the Preamble of the Pennsylvania Constitution.
2. This court is a court of record.
3. All parties and court personnel have been properly apprised of the foregoing.

DATED: September 28, 2018

THE COURT

By

E+R KJ (sc.)  
Edward Thomas Kennedy  
Attornatus Privatus